

Appendix A

#	Citation	Judicial Notice Standard
SEC ACTIONS, GUIDANCE, AND STATEMENTS OF COMMISSIONERS		
1-A	Complaint, <i>SEC v. Binance Holdings Ltd.</i> , Case 1:23-cv-01599, Dkt. #1 (June 5, 2023)	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) (“[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record.”), <i>abrogated on other grounds by McGregor v. Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
1-B	Michael S. Piwowar, Acting Chairman, SEC, Remarks at the “SEC Speaks” Conference 2017: <i>Remembering the Forgotten Investor</i> (Feb. 24, 2017), available at: https://tinyurl.com/398ep6n2 .	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) (“[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record.”), <i>abrogated on other grounds by McGregor v. Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
1-C	Report of Investigation Pursuant to Section 21(a) of the Securities Exchange Act of 1934: The DAO (the “DAO Report”). Release No. 81207, 117 S.E.C. Docket 745, 2017 WL 7184670 (July 25, 2017).	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) (“[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record.”), <i>abrogated on other grounds by McGregor v. Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
1-D	Mary Jo White, Chair, SEC, Keynote Address at the SEC-Rock Center on Corporate Governance Silicon Valley Initiative (March 31, 2016), available at: https://tinyurl.com/yz55b5mm .	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) (“[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record.”), <i>abrogated on other grounds by McGregor v. Gibson</i> .

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		<i>Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
1-E	William Hinman, SEC Dir. Div. of Corp. Fin., <i>Digital Asset Transactions: When Howey Met Gary (Plastic)</i> (June 14, 2018) available at https://tinyurl.com/9k6hbh3m .	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) (“[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record.”), <i>abrogated on other grounds by McGregor v. Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
1-F	Letter from Div. Corp. Fin., SEC to Coinbase Global, Inc. (Dec. 7, 2020), available at https://tinyurl.com/3n36pxnb	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) (“[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record.”), <i>abrogated on other grounds by McGregor v. Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
1-G	Coinbase Global, Inc. Wells Submission, <i>In the Matter of Coinbase, Inc.</i> , File No. HO-14315 (April 19, 2023) available at https://tinyurl.com/22ztu9sc (last visited Oct. 5, 2023).	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) (“[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record.”), <i>abrogated on other grounds by McGregor v. Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
1-H	SEC FinHub, Framework for ‘Investment Contract’ Analysis of Digital Assets (Apr. 3, 2019), available at https://tinyurl.com/9dtb3ztd	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) (“[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record.”), <i>abrogated on other grounds by McGregor v. Gibson</i> .

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		<i>Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
1-I	Guidelines as to the Applicability of the Federal Securities Laws to Offers and Sales of Condominiums or Units in a Real Estate Development, S.E.C. Release No. 33-5347, 38 Fed.Reg. 1735, 1973 WL 158443, at *1 (Jan. 4, 1973).	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) (“[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record.”), <i>abrogated on other grounds by McGregor v. Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
1-J	Peirce, Hester, Commissioner, <i>Through the Looking Glass : Conflicts of Interest Associated with the Use of Predictive Data Analytics by Broker-Dealers and Investment Advisers Proposal</i> (July 26, 2023), available at https://tinyurl.com/5n8dkzd9	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) (“[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record.”), <i>abrogated on other grounds by McGregor v. Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
1-K	Peirce, Hester, Commissioner, <i>Kraken Down: Statement on SEC v. Payward Ventures, Inc., et al.</i> , (Feb. 9, 2023) available at https://tinyurl.com/2xzdtjcw (last visited Oct. 5, 2023) (“Using enforcement actions to tell people what the law is in an emerging industry is not an efficient or fair way of regulating.”).	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) (“[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record.”), <i>abrogated on other grounds by McGregor v. Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
1-L	Peirce, Hester, Commissioner, <i>Paper, Plastic, Peer-to-Peer</i> (Mar. 15, 2021) available at https://tinyurl.com/5n8an6d7 (last visited Oct. 5, 2023)	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) (“[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record.”), <i>abrogated on other grounds by McGregor v. Gibson</i> .

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		<i>Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
CONGRESSIONAL RECORDS		
2-A	“Game Stopped? Who Wins and Loses When Short Sellers, Social Media, and Retail Investors Collide, Part III.” H. Financial Service Committee, 116th Cong. (2021) available at https://tinyurl.com/5bz5c3z2 (last visited Oct. 5, 2023).	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) (“[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record.”), <i>abrogated on other grounds by McGregor v. Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
2-B	Lummis-Gillibrand Responsible Financial Innovation Act, S. 2281, 118th Cong. (2023).	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) (“[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record.”), <i>abrogated on other grounds by McGregor v. Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
2-C	Financial Innovation and Technology for the 21 st Century Act, H.R. 4746, 118th Cong. (2023).	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) (“[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record.”), <i>abrogated on other grounds by McGregor v. Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
2-D	<u>Oversight of the Securities and Exchange Commission</u> , H. Financial Service Committee, 118th Cong. (2023); relevant testimony available at https://tinyurl.com/yv9z6cuf (last visited Oct. 5, 2023).	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) (“[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record.”), <i>abrogated on other grounds by McGregor v. Gibson</i> .

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		<i>Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
2-E	<u>The Future of Digital Assets: Providing Clarity for Digital Asset Spot Markets</u> , H. Comm. On Agriculture, 118th Cong. (2023), Committee Chair Glenn "GT" Thompson ("Regulation by enforcement is not an appropriate way to govern a market, adequately protect customers, or promote innovation.").	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) ("[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record."), <i>abrogated on other grounds by McGregor v. Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
2-F	Warren, Elizabeth, <i>et al.</i> , Letter to Janet Yellen and Daniel Werfel, Aug. 1, 2023, available at https://tinyurl.com/3z6ar4tz (last visited Oct. 5, 2023).	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) ("[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record."), <i>abrogated on other grounds by McGregor v. Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).

DEBT BOX WEBSITE DOCUMENTS

3-A	DEBT Box Website, <i>available at</i> https://tinyurl.com/45jwbaz3 (last visited Oct. 5, 2023).	Incorporated by Reference in Complaint, ¶ 2.
3-B	DEBT Box <u>Terms and Conditions</u> , <i>available at</i> https://tinyurl.com/2d2cc8pe (last visited Oct. 5, 2023).	Incorporated by Reference in Complaint, ¶¶ 2, 48.
3-C	DEBT Token Lite Paper, <i>available at</i> https://tinyurl.com/bd6cd7z5 (last visited Oct. 5, 2023).	Incorporated by Reference in Complaint, ¶ 48.
3-D	BLGD Token Lite Paper, <i>available at</i> https://tinyurl.com/6k9c8snj (last visited Oct. 5, 2023).	Incorporated by Reference in Complaint, ¶ 48.
3-E	GROW Token Lite Paper, <i>available at</i> https://tinyurl.com/yevvpus (last visited Oct. 5, 2023).	Incorporated by Reference in Complaint, ¶ 48.
3-F	NATG Token Lite Paper, <i>available at</i> https://tinyurl.com/bdf5xm7t (last visited Oct. 5, 2023).	Incorporated by Reference in Complaint, ¶ 48.

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3-G	XLPR Token Lite Paper, available at https://tinyurl.com/49a7aytp (last visited Oct. 5, 2023).	Incorporated by Reference in Complaint, ¶ 48.
3-H	DLG Token Lite Paper, available at https://tinyurl.com/2s4kxkc4 (last visited Oct. 5, 2023).	Incorporated by Reference in Complaint, ¶ 48.
3-I	ALUM Token Lite Paper, available at https://tinyurl.com/4neck66n (last visited Oct. 5, 2023).	Incorporated by Reference in Complaint, ¶ 48.
3-J	BEV Token Lite Paper, available at https://tinyurl.com/ms26mk98 (last visited Oct. 5, 2023).	Incorporated by Reference in Complaint, ¶ 48.
3-K	BLOX Token Lite Paper, available at https://tinyurl.com/ywy5xr3a (last visited Oct. 5, 2023).	Incorporated by Reference in Complaint, ¶ 48.
3-L	DRIP Token Lite Paper, available at https://tinyurl.com/4dpthzy4 (last visited Oct. 5, 2023).	Incorporated by Reference in Complaint, ¶ 48.
3-M	DCM Token Lite Paper, available at https://tinyurl.com/55m4mehb (last visited Oct. 5, 2023).	Incorporated by Reference in Complaint, ¶ 48.
3-N	@TheDebtBox, X Aug. 3, 2023, https://tinyurl.com/2mud2xb5 (last visited Oct. 5, 2023).	Incorporated by Reference in Complaint, ¶ 47.
3-O	The DEBT Box, <u>D.E.B.T.: The Future of Blockchain Mining</u> , Medium, available at https://tinyurl.com/4medww8s (last visited Oct. 5, 2023).	Incorporated by Reference in Complaint, ¶¶ 43-45, 65-67

OTHER FACTS NOT SUBJECT TO REASONABLE DISPUTE

4-A	BEP-20, Binance Academy, https://tinyurl.com/42ps8745 (last visited Oct. 5, 2023).	Incorporated by Reference in Complaint, ¶¶ 43-45; Fed. R. Evid. 201(b), <i>O'Toole v. Northrop Grumman Corp.</i> , 499 F.3d 1218, 1225 (10th Cir. 2007) (“It is not uncommon for courts to take judicial notice of factual information found on the world wide web.”).
4-B	<i>Cryptocurrency Litigation and Regulation Tracker</i> , MorrisonCohen LLP, https://tinyurl.com/yc272ane (last updated Sept. 18, 2023).	Fed. R. Evid. 201(b), <i>O'Toole v. Northrop Grumman Corp.</i> , 499 F.3d 1218, 1225 (10th Cir. 2007) (“It is not uncommon for courts to take judicial notice of factual information found on the world wide web.”).

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4-C	<i>SEC Cryptocurrency Enforcement; 2022 Update</i> , Cornerstone Research, available at https://tinyurl.com/y7wvchph (last visited Oct. 5, 2023).	Fed. R. Evid. 201(b), <i>O'Toole v. Northrop Grumman Corp.</i> , 499 F.3d 1218, 1225 (10th Cir. 2007) (“It is not uncommon for courts to take judicial notice of factual information found on the world wide web.”).
4-D	Welsh, Michael, et. al., <i>Alert: SEC v. Telegram: Key Takeaways and Implications</i> , J.D. Supra, https://tinyurl.com/4nz8wd7s (last visited Oct. 5, 2023).	Fed. R. Evid. 201(b), <i>O'Toole v. Northrop Grumman Corp.</i> , 499 F.3d 1218, 1225 (10th Cir. 2007) (“It is not uncommon for courts to take judicial notice of factual information found on the world wide web.”).
4-E	Cirrone, James, <i>Former SEC Chair Jay Clayton Takes Aim At Regulation By Enforcement</i> , Blockworks, https://tinyurl.com/4uz8f79b (last visited Oct. 5, 2023).	Fed. R. Evid. 201(b), <i>O'Toole v. Northrop Grumman Corp.</i> , 499 F.3d 1218, 1225 (10th Cir. 2007) (“It is not uncommon for courts to take judicial notice of factual information found on the world wide web.”).
4-F	De, Nikhilesh, <i>SEC Chair Gensler Declines to Say if Ether Is a Security in Contentious Congressional Hearing</i> , CoinDesk, https://tinyurl.com/2p9en4a5 (last visited Oct. 5, 2023).	Fed. R. Evid. 201(b), <i>O'Toole v. Northrop Grumman Corp.</i> , 499 F.3d 1218, 1225 (10th Cir. 2007) (“It is not uncommon for courts to take judicial notice of factual information found on the world wide web.”).
4-G	<i>Gensler, Gary, Secondary Markets & Crypto-Exchanges Presentation</i> , MIT 15.S12 Blockchain and Money, Fall 2018, available at https://tinyurl.com/ymfd8mrc (last visited Oct. 5, 2023).	Fed. R. Evid. 201(b), <i>O'Toole v. Northrop Grumman Corp.</i> , 499 F.3d 1218, 1225 (10th Cir. 2007) (“It is not uncommon for courts to take judicial notice of factual information found on the world wide web.”).
4-H	<i>CFTC v. Changpeng Zhao, et al.</i> , Complaint, Case: 1:23-cv-01887, Dkt. # 1 (March 27, 2023)	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) (“[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter

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		of public record."), <i>abrogated on other grounds by McGregor v. Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).
4-J	Strack, Ben, <i>US Losing Ground on Blockchain Developer Share: Study</i> , Blockworks, https://tinyurl.com/5n953m3v (last visited Oct. 5, 2023).	Fed. R. Evid. 201(b)(2), <i>Van Woudenberg v. Gibson</i> , 211 F.3d 560, 568 (10th Cir. 2000) ("[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record."), <i>abrogated on other grounds by McGregor v. Gibson</i> , 248 F.3d 946, 955 (10th Cir. 2001).